

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

KEVIN HAWKINS,

Plaintiff,

vs.

BENJAMIN B. WAGNER, United States
Attorney, et al.,

Defendants.

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NO. 2:20-CV-2549 LHR

ORDER

Former federal prisoner Kevin Hawkins has filed a civil rights complaint (Docket No. 1), seeking compensatory damages under 42 U.S.C. § 1983 against prosecutors, law enforcement agents, and other officials involved in a conviction that has been set aside. Hawkins, who represents himself in this case, has also filed an application to proceed without prepayment of fees or costs (Docket No. 2). The case has been reassigned for all further proceedings to the undersigned (Docket No. 3). Based on the information provided by Hawkins, who reports that he is currently on welfare and has no other assets, the court **ORDERS** as follows:

1. The application for leave to proceed without prepayment of fees (Docket No. 2) is **granted.**
2. Service of process will be withheld pending judicial screening pursuant to 28 U.S.C. § 1915(e)(2)(B), which requires a court to scrutinize the pleadings filed by litigants proceeding *in forma pauperis* and dismiss the case, in whole or in part, if it is frivolous, malicious, fails to state a claim on which relief may be granted, or “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B).

3. No amendments or supplements to the complaint may be filed without prior court approval. A complete amended complaint must be attached to any motion for leave to amend. The court may direct the clerk's office to strike from the record any pleadings that do not comply with these instructions, including any pleadings that contain new claims or new factual allegations not already explicitly raised in: (1) the original complaint, (2) any court-approved amendments or supplements to the original complaint, or (3) a response from the plaintiff to an Order for More Definite Statement or questionnaire issued by the court for the purpose of clarifying the factual basis of the complaint. *See* Fed. R. Civ. P. 12(e); *see also* *Watson v. Ault*, 525 F.2d 886, 892 (5th Cir. 1976).

4. Discovery does not occur under the federal rules of procedure until after an answer has been filed and the parties confer. *See* Fed. R. Civ. P. 26(d). An answer will not be requested in this case until the court completes its review under 28 U.S.C. § 1915(e)(2)(B) and authorizes service of process. Accordingly, discovery is stayed until further notice.

5. No motions for appointment of counsel will be considered and none should be filed until after the court has completed the screening process required by 28 U.S.C. § 1915(e)(2)(B).

6. The plaintiff must notify the court of any change of address by filing a written notice with the clerk's office. Failure to file such notice may result in this case being dismissed for want of prosecution.

The clerk's office shall provide a copy of this order to the plaintiff.

SIGNED at Houston, Texas on April 30, 2021.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge